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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,476	01/02/2001	Joan L. Carbrey Palango	ALPINE.001AUS	4172

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,476

Applicant(s)

CARBREY PALANGO ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant canceled claims 1-16, amended claims 17 and 18, and newly added claims 19-29. All pending claims 17-29 were examined in this final office action necessitated by amendment.

Response to Arguments

Rejection under 35 USC 112-Claims 1-16

The Applicant canceled claims 1-16 rendering the rejection moot. Rejection withdrawn.

Rejection under 35 USC 101-Claims 1-16

The Applicant canceled claims 1-16 rendering the rejection moot. Rejection withdrawn.

Rejection under 35 USC 103(a)

Applicant's arguments filed 31 March 2005 have been fully considered but they are not persuasive. Henson teaches recommending products and displaying products based on pre-determined factors as noted in the office action. Henson teaches back and forth movement between web pages to complete the selection process. Henson and Crutchfield demonstrate products prior to building a system. Specifically, Crutchfield takes the mystery out of shopping for a system

by taking the shopper to a demonstration page on "How to build a system" or to details that demonstrate how a product performs (please see U: at least page 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 17-20, 22-27, and 29 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), in view of Crutchfield (Paper #5, PTO-892, Item: U).**

Henson teaches a web-based online store used by consumers to configure electronic products comprising a main system, sub-systems, and components (see at least abstract; Fig. 1(10); Fig. 2 (10, 38, 40); col. 2, line 60 through col. 3, line 54). Henson further teaches:

- Main system page: features page with main system and image: (see at least Fig. 3A; Fig. 4; col. 5, lines 32-35).
- Subsystem page: e.g. memory, monitors, speakers; relationship information (see at least Fig. 3A-3b).
- Components page: e.g. memory; relationship information (see Fig. 5 (92); col. 9, lines 31-33).

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- System connection: consumer connects to the web-based online store over the Internet (see at least Fig. 2 (10, 38, 40); col. 5, line 66 through col. 6, line 4).
- System validates selection: customer chooses subsystems and components recommended by the system; system validates selections (see at least col. 5, lines 28-54; col. 7, line 57 through col. 9, line 8).
Please note: customer component selections that result in system suggestions or required selection changes create a back and forth approach to determining a final configuration.
- Check-out page: (see at least Fig. 1 (20); Fig. 6 (102); col. 9, lines 26-39).
- Item pricing and total: (see at least Fig. 4 (70); Fig. 6 (104); col. 9, lines 26-39).
- Displaying based on price: e.g. memory (see at least Fig. 5 (92)).
- Recommended components: listed in an order of priority based on predetermined factors (e.g. memory size) (see at least Fig. 3A).

Henson teaches all the above as noted under the 103(a) rejection and teaches a web-based online store used by consumers to configure electronic products, but does not disclose a vehicle information page. Crutchfield teaches a web-based online store used by consumers to configure electronic audio products and home electronic products, and further teaches a vehicle information page that allows the system builder to "show the items that fit" (e.g. dashboard openings) (Item: U, pages 1 and 17) (please note the examiner considers

Crutchfield to provide a teaching pertinent to Henson in light of the fact that both teach a system builder for configuring electronic products). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Henson to include a web store for electronic audio products and a vehicle information page as taught by Crutchfield, in order to determine compatible electronic audio products that fit a particular vehicle, and thereby attract consumers desiring to purchase automotive electronic audio products for their vehicles.

Henson teaches all the above as noted under the 103(a) rejection but does not disclose a demonstration screen. Crutchfield teaches all the above as noted under the 103(a) rejection and demonstrates products prior to building a system. Crutchfield teaches taking the mystery out of shopping for a system by taking the shopper to a demonstration page on "How to build a system" or to details that demonstrate how a product performs (U: see at least page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Henson, to provide a demonstration screen to instruction a customer how to build a system or a demonstration screen on how a product works as taught by Crutchfield, in order to help customers better understand how to use the system and better understand how products work, and thereby attract customers the service.

Henson teaches all the above as noted under the 103(a) rejection and teach a consumer making a selection from a main page which then presents a

subsystem page and components page, but does not clearly convey hierarchical order to the component level. Crutchfield teaches all the above as noted under the 103(a) rejection and teaches hierarchical ordering (e.g. Car Audio, In-Dash CD Receivers, Accessories) (Item: U, see at least pages 1, 10, and 14).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Henson to include hierarchical ordering for products as taught by Crutchfield, in order to help customers find products, and thereby attract consumers desiring to purchase electronic products.

Henson teaches all the above as noted under the 103(a) rejection and teaches subsystems recommended to be installed into various cavities of the electronic product, but do not disclose determining a dashboard size. Inherent in Crutchfield are the structures necessary to permit the determination of dashboard size for electronic products. For example, Crutchfield teaches the right fit for electronic products that fit into or onto a dashboard for a car based on at least the vehicle's year (U: see at least pages 1 and 17). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson to determine dashboard size as taught by Crutchfield, in order for customers to order the right size head unit(s) or speakers for their vehicles, and thereby increase customer satisfaction and sales for the online service.

2. **Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383) and Crutchfield (Paper #5,**

PTO-892, Item: U), as applied to claim 17, further in view of Official Notice (regarding well within the skill, hereinafter referred to as "ON1").

Henson and Crutchfield teach all the above as noted under the 103(a) rejection and teach displaying main system images, but do not disclose displaying an image of every subsystem and component. It would have been obvious to one of ordinary skill in the art at time of the invention to display every subsystem and component, since it is well within the skill to ascertain that since the system is capable of displaying main system images, the system is therefore capable of displaying subsystem and component images.

- 3. Claim 28 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383) and Crutchfield (Paper #5, PTO-892, Item: U), as applied to claim 17, further in view of Official Notice (regarding old and well-known, hereinafter referred to as "ON2").**

Henson and Crutchfield teach all the above as noted under the 103(a) rejection and teach recommending products based on compatibility with the customer's system (e.g. Henson validation, Crutchfield "right fit" based on car model and/or year), pricing (e.g. sells price, online specials), stocking availability, popularity (e.g. brand searching), but do not disclose displaying based on profitability. The Examiner takes the position that it is old and well-known in the arts for sellers to sell products based on profitability (e.g. sell products that have positive margin so the business can grow; sell product(s) at a loss to attract

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shopper traffic (loss leaders)). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson and Crutchfield to market products based on profitability as taught by ON2, in order for the online service to grow.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', is positioned above the printed name.

Robert M. Pond
Primary Examiner
June 21, 2005